



248491
William R. Padget, Esquire
bpadget@finkellaw.com

Reply to Columbia Office

January 15, 2014

Via U.S. Mail

Public Service Commission of South Carolina
Clerk's Office
101 Executive Center Drive
Columbia, SC 29210


RE: Southern Bread, LLC vs. South Carolina Electric and Gas Company
Case No.: 2013-435-E
Our File No.: 74350-47500

Dear Sir or Madam:

Enclosed please find Complainant's Second Set of Continuing Interrogatories to Defendant and Complainant's Second Set of Requests for Production to Defendant which we are herewith serving upon the Defendant via hand delivery as evidenced by the attached letter and Certificate of Service. Please file the originals and return a clocked copy to us via the enclosed envelope. ✓

Should you have any questions, please do not hesitate to contact our office.

Sincerely,



William R. Padget

WRP/cdh

Enclosures

cc: K. Chad Burgess, Esquire (letter only)
Mitchell Willoughby, Esquire (letter only)
Benjamin P. Mustain, Esquire (letter only)
Jeffrey Nelson, Esquire (letter only)

RECEIVED
JAN 16 2014
COLUMBIA OFFICE

COLUMBIA

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North Charleston, SC 29405
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Reply to Columbia Office

January 15, 2014

Via Hand Delivery

K. Chad Burgess, Esquire
SCANA Corp.
220 Operation Way, MC-C222
Cayce, SC 29033

Mitchell Willoughby, Esquire
Benjamin P. Mustain, Esquire
Willoughby & Hoefer, P.A.
930 Richland Street
Columbia, SC 29202

RE: Southern Bread, LLC vs. South Carolina Electric & Gas Company
Case No.: 2013-435-E
Our File No.: 74350-47500

Counselors:

Enclosed please find a copy of the Complainant's Second Set of Continuing Interrogatories to Defendant and Complainant's Second set of Requests for Production to Defendant which we are herewith serving upon you via hand delivery and contemporaneously filing with the Public Service Commission.

If you have any questions, please contact me. With kind personal regards, I remain

Sincerely,

William R. Padget

WRP/cdh

Enclosures

cc: Jeffery Nelson, Esquire
James W. Crick (letter only)
Richard Connolly (letter only)
David J. Smith (letter only)
Robert Gdovin (letter only)

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STATE OF SOUTH CAROLINA)	IN THE PUBLIC SERVICE COMMISSION
)	
COUNTY OF RICHLAND)	DOCKET NO.: 2013-435-E
)	
Southern Bread, LLC,)	
)	
Complainant,	)	COMPLAINANT'S SECOND SET OF
	)	CONTINUING INTERROGATORIES
v.	)	TO DEFENDANT
)	
South Carolina Electric and Gas)	
Company,)	
)	
Defendant.)	
)	

TO: DEFENDANT SOUTH CAROLINA ELECTRIC AND GAS COMPANY AND ITS ATTORNEYS K. CHAD BURGESS, ESQUIRE, MITCHELL WILLOUGHBY, ESQUIRE, AND BENJAMIN P. MUSTAIN, ESQUIRE:

In accordance with Reg. 103-833 of the South Carolina Code of Regulations and under the provisions of Rule 33 of the South Carolina Rules of Civil Procedure, you are requested to answer the following written interrogatories in writing under oath within twenty (20) days. Interrogatories shall be deemed continuing and supplemental interrogatories shall be required of you directly or indirectly to obtain further information if the nature of the information sought herein changes between the time the answers to the interrogatories are served and the time of the hearing of this complaint.

Definitions and Instructions

1. These interrogatories seek all information known to or reasonably available to Defendant South Carolina Electric and Gas Company (hereinafter "SCE&G" or "Defendant"), including without limitation, information known or available to all agents, attorneys, investigators, representatives of any kind, and all persons acting on the Defendant's behalf.

2. Where an interrogatory requests that one "identify" a document, identify each responsive document by setting forth (a) the name(s) of the document's author(s) or sender(s); (b) the name(s) of the document's addressee(s) and recipient(s); (c) the date of the document; (d) the nature of the document (e.g., letter, memorandum, report, etc.); (e) the location of the document and its custodian; and (f) a description of the contents of the document. A copy of each document may be produced in lieu of identifying each document. For those documents produced, mark each document with the interrogatory number(s) to which it is responsive.

3. For the purpose of these interrogatories, the term "document" means any record or store of information, including without limitation, the original of all writings of every kind, including but not limited to, letters, telegrams, telexes, memoranda, notes, reports, work papers, surveys, manuals, guidelines, instructions, studies, speeches, calendar or diary entries, travel records and vouchers, minutes of meetings, conferences, telephone or other conversations or communications, pamphlets, charts, lists, directives, records, and drafts. The term "document" also includes tape recordings of meetings, conferences, and telephone or other conversations or communications, as well as data processing machine printouts and tapes, or other mechanical means of storing or recording information. The term "document" further includes copies, reproductions or film impressions of any of the aforementioned writings or documents the originals of which are not in the possession, custody or control of the Defendant. Finally the term "document" includes copies reproductions or film impressions which are not identical duplicates of the originals because of markings of any kind which appear on the copies, reproductions or film impressions but not on the original.

4. For the purposes of these interrogatories, the term "person" or "persons" shall include natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of legal entity.

5. When an interrogatory states "identify" a person, identify each person by (i) full name; (ii) present or last known employer; and (iii) present or last known mailing address. In the case of a "person" other than a natural person, state its legal name and its present or last known principal place of business.

6. For the purposes of these interrogatories, the term "Panera Bread stores" shall include the Complainant's businesses contracting for electricity with Defendant at the following locations:

- a. 6080 Garners Ferry Road, Columbia, SC;
- b. 2000 Sam Rittenberg Blvd., Charleston, SC;
- c. 5070 International Blvd., North Charleston, SC;
- d. 631 Promenade Place, Columbia, SC; and
- e. 1311 Main Street, Summerville, SC.

7. If a privilege of any kind is claimed as a basis for limiting any response to these interrogatories, the information as to which the privilege is being asserted should be clearly identified and the entire factual and legal bases for the claim of the privilege stated.

8. These interrogatories are to be considered continuing in nature, and the Defendant is expected to file supplemental answers to these interrogatories in accordance with Rule 26(e) of the South Carolina Rules of Civil Procedure.

INTERROGATORIES TO BE ANSWERED

1. Set forth and explain in detail why Defendant SCE&G cannot perform the analyses for any of the years requested in Interrogatory Number 11 of Complainant's First Set of Continuing Interrogatories to Defendant, including but not limited to what information and consumption data is not maintained or available to SCE&G to perform such analyses.

2. Identify "Rita" who received a facsimile for Robert Gdovin on behalf of Complainant on June 20, 2006 (SCE&G Bates No. 0000118). Set forth her full name, occupation with Defendant, all communications she had with Southern Bread, its members, employees, agents, or representatives including the date and form of said communications, and current address.

3. Set forth the kilo volt amperes ("KVA") totals for each of the Panera Bread Stores for the following dates or for as far back as SCE&G maintains KVA records:

- a. 6080 Garners Ferry Road, Columbia, SC – November 2004 - Present;
- b. 5070 International Blvd., North Charleston, SC - June 2006 - Present;
- c. 631 Promenade Place, Columbia, SC - September 2008 – Present; and
- d. 1311 Main Street, Summerville, SC - November 2010 - Present.

4. Set forth and describe in detail Defendant SCE&G's "BestRate" analyses to include the data needed to perform such analyses; the calculations performed in such analyses; the policies, procedures, and protocols for initiating such analyses; the policies, procedures, and protocols for contacting customers with the results of such analyses, and; the policies, procedures, and protocols for transferring customer's rate schedules based upon these analyses.

5. Set forth and describe in detail the "BestRate" analyses performed on Complainant's stores on September 16, 2013 (Bates No.:0000127-0000130) to include the name

of the individual who performed the analyses, what prompted such analyses, SCE&G's interpretation of the results, and what actions on Complainant's accounts were taken as a result.

6. Set forth and describe in detail the "BestRate" analysis performed on Complainant's Sam Rittenberg store on April 6, 2006 (Bates No.: 0000060) to include the name of the individual who performed the analysis, what prompted such analysis, SCE&G's interpretation of the results, and what action on Complainant's account was taken as a result.

7. Set forth and describe in detail the "BestRate" analysis performed on Complainant's Garners Ferry store on March 31, 2006 (Bates No.: 0000062 - 0000063) to include the name of the individual who performed the analysis, what prompted such analysis, SCE&G's interpretation of the results, and why no action (ie no communication with Complainant, its members, employees, or representatives and/or transfer of power to rate 20) was taken by Defendant as a result.

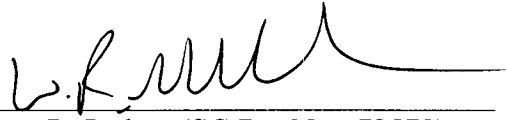
8. Identify and set forth all communications made and received between Defendant's employees, agents, and representatives regarding the contracting for and servicing of permanent electricity for each respective Panera Bread store. For each such communication, identify the subject of the communication; the type of communication (i.e. letter, email, phone call, personal contact), the names of the persons involved; the times of the conversations, the places of the communication; and the person(s) who made the statement(s).

9. Identify and set forth all communications made and received by Defendant, its employees, agents, and representatives with all outside third parties regarding the contracting for and servicing of permanent electricity for each respective Panera Bread store. For each such communication, identify the subject of the communication; the type of communication (i.e.

letter, email, phone call, personal contact), the names of the persons involved; the times of the conversations, the places of the communication; and the person(s) who made the statement(s).

Respectfully submitted,

FINKEL LAW FIRM LLC

A handwritten signature in black ink, appearing to read 'W. R. Padget', written over a horizontal line.

William R. Padget (SC Bar No.: 72579)

Finkel Law Firm LLC

1201 Main Street, Suite 1800

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Columbia, South Carolina 29202

(803) 765-2935

*Attorneys for the Complainant Southern
Bread, LLC*

Columbia, South Carolina
January 15, 2014

STATE OF SOUTH CAROLINA	)	IN THE PUBLIC SERVICE COMMISSION
)	
COUNTY OF RICHLAND	)	DOCKET NO.: 2013-435-E
)	
Southern Bread, LLC,)	
)	
Complainant,	)	COMPLAINANT'S SECOND SET OF
	)	CONTINUING REQUESTS FOR
v.	)	PRODUCTION TO DEFENDANT
)	
South Carolina Electric and Gas)	
Company,)	
)	
Defendant.)	
_____)	

TO: DEFENDANT SOUTH CAROLINA ELECTRIC AND GAS COMPANY AND ITS ATTORNEYS K. CHAD BURGESS, ESQUIRE, MITCHELL WILLOUGHBY, ESQUIRE, AND BENJAMIN P. MUSTAIN, ESQUIRE:

In accordance with Reg. 103-833 of the South Carolina Code of Regulations and under the provisions of Rule 34 of the South Carolina Rules of Civil Procedure, you are requested to produce and permit the inspection, copying and/or photographing of the documents described below within the next twenty (20) days. These requests shall be deemed continuing and supplemental productions shall be required of you directly or indirectly to obtain further documents if the nature of the documents sought herein are altered or supplemented between the time these documents are produced and the time of the hearing of this complaint.

General Instructions

1. Whenever a description of documents is framed in the conjunctive, it shall also be taken in the disjunctive, and vice versa. A description framed in the singular shall also be taken in the plural, and vice versa.

2. These requests to produce seek all documents known to or reasonably available to the Defendant South Carolina Electric and Gas Company (hereinafter "SCE&G" or

“Defendant”), including without limitation, documents known or available to all agents, attorneys, investigators, representatives of any kind, and all persons acting on the Defendant’s behalf.

3. If a privilege of any kind is claimed as a basis for withholding or masking any document responsive to this request, the information as to which the privilege is being asserted should be clearly identified and the entire factual and legal bases for the claim of the privilege stated. Each document withheld should be identified by setting forth (i) the name(s) of the document's author(s) or sender(s); (ii) the name(s) of the document's addressee(s) and recipient(s); (iii) the date of the document; (iv) the nature of the document (*e.g.* letter, memorandum, report, etc.); (v) the location of the document and its custodian; and (vi) a description of the contents of the document.

4. If any document described in this request was, but no longer is, in your possession, or subject to your custody or control, or in existence, state whether:

- a. it is missing or lost;
- b. it has been destroyed;
- c. it has been transferred, voluntarily or involuntarily, to others; and
- d. who may have a copy.

5. In each instance, explain the circumstances surrounding such disposition and identify the person(s) directing or authorizing same, and the date(s) thereof. Identify each document by listing its author, his address, type (*e.g.*, letter, memorandum, telegram, chart, photograph, etc.), date, subject matter, present location(s) and custodian(s), and state whether the document (or copies) are still in existence.

6. The term "documents" refers to all original writings of any nature whatsoever and all non-identical copies thereof, in your client's possession, or in the possession of your client's predecessors, successors, subsidiaries, agents, servants, employees, consultants, or other representatives, regardless of where located, and all other documents of which you or your client have knowledge, and includes but is not limited to correspondence, diagrams, sketches, maps, tape recordings, information stored for computer retrieval, films, photographs, videotapes, contracts, agreements, notes, minutes of meetings, schedules, summaries, analyses, memoranda, working papers, diaries, calendars, invoices, receipts, telephone messages, and bills. If the original and/or non-identical copies are unavailable, "documents" also means copies thereof.

7. For the purposes of these requests, the term "Panera Bread stores" shall include the Complainant's businesses contracting for electricity with Defendant at the following locations:

- a. 6080 Garners Ferry Road, Columbia, SC;
- b. 2000 Sam Rittenberg Blvd., Charleston, SC;
- c. 5070 International Blvd., North Charleston, SC;
- d. 631 Promenade Place, Columbia, SC; and
- e. 1311 Main Street, Summerville, SC.

Documents to be Produced

1. Any and all documents or other objects relevant to, related to or identified in response to Complainant's Second Set of Continuing Interrogatories to Defendant.

2. Any and all documents evidencing the kilo volt amperes ("KVA") totals for each of the Panera Bread Stores for the following dates or for as far back as SCE&G maintains KVA records:

- a. 6080 Garners Ferry Road, Columbia, SC – November 2004 - Present;
- b. 5070 International Blvd., North Charleston, SC - June 2006 - Present;
- c. 631 Promenade Place, Columbia, SC - September 2008 – Present; and
- d. 1311 Main Street, Summerville, SC - November 2010 - Present.

3. Any and all documents evidencing written and/or electronic communications made and received between Defendant's employees, agents, and representatives regarding the contracting for and servicing of permanent electricity for each respective Panera Bread store.

4. Any and all documents evidencing written and/or electronic communications made by Defendant, its employees, agents, and representatives with all outside third parties regarding the contracting for and servicing of permanent electricity for each respective Panera Bread store.

Respectfully submitted,

FINKEL LAW FIRM LLC



William R. Padget (SC Bar No.: 72579)

Finkel Law Firm LLC

1201 Main Street, Suite 1800

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Columbia, South Carolina 29202

(803) 765-2935

*Attorneys for the Complainant Southern
Bread, LLC*

Columbia, South Carolina
January 15, 2013

STATE OF SOUTH CAROLINA	)	IN THE PUBLIC SERVICE COMMISSION
)	
COUNTY OF RICHLAND	)	DOCKET NO.: 2013-435-E
)	
Southern Bread, LLC,)	
)	
Plaintiff,)	
)	
vs.	)	CERTIFICATE OF SERVICE
)	
South Carolina Electric and Gas)	
Company,)	
)	
Defendant)	
)	

I, the undersigned, of the law offices of Finkel Law Firm, LLC, attorneys for Plaintiffs, do hereby certify that I have served all counsel of record on this date, January 15, 2014, in this action with a copy of the pleading(s) herein below specified, via hand delivery:

PLEADINGS:

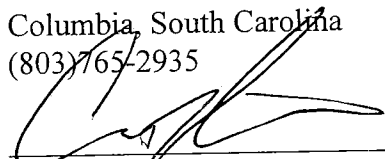
1. *Complainant's Second Set of Continuing Interrogatories to Defendant*
2. *Complainant's Second Set of Continuing Requests for Production to Defendant*

COUNSEL:

K. Chad Burgess
 SCANA Corp.
 220 Operation Way, MC-C222
 Cayce, SC 29033

Mitchell Willoughby
 Benjamin P. Mustain
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 Carl D. Hiller

Columbia, South Carolina
 January 15, 2014